

# EXHIBIT 1

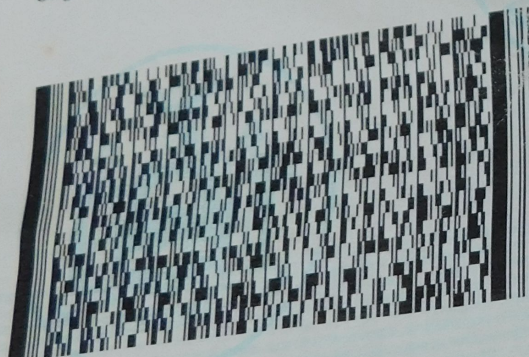


NYS Department of Motor Vehicles

INTERIM PERMIT  
361735580

NT608779 MAR 26 2018  
VRO Fee 98.25 BXIE4A

Original Issuance Date 03/26/18



Visit us at [dmv.ny.gov](http://dmv.ny.gov)

NT 608779



NYS Department of Motor Vehicles

INTERIM PERMIT  
361735580

UNDER 21 UNTIL 05/10/2021

Class DJ Restrictions NONE

Endorsements NONE

Status terminates on 05/10/22

Probation Date NONE

This document expires on 05/25/18

BAH

OUSMANE

1351 PROSPECT AV 34

BRONX

NY 10459

Sex M

Eyes BR

Ht. 5 7

Birthdate 05/10/00

Additional Restrictions NONE

**\*\*Not for Federal Purposes\*\***

Sign X  
Here

Keep this document until you receive your Photo Document

MV-1 (5/16) PART 2



## Changing Address?

If you change your residence, cross out the old address on the front of this document and write in your new address. You must notify DMV of your new address within 10 days, using DMV Form MV-232, which is available to download from the DMV web site at [www.dmv.ny.gov](http://www.dmv.ny.gov).

## Restrictions

A	ACCEL LEFT OF BRAKE	P	NO PASSENGERS IN CMV BUS
A1	TEMPORARY VISITOR	P1	POWER BRAKES
A2	PROBLEM DRIVER	Q	POWER STEERING
A3	MED CERT EXEMPT	R	BUILT-UP SEAT/PEDESTAL
A4	IGNITION INTERLOCK DEVICE	U	HAND OPERATED BRAKE
B	CORRECTIVE LENSES	V	MEDICAL VARIANCE
C	MECHANICAL AID	V1	FOOT-OPER PARKING BRAKE
D	PROSTHETIC DEVICE	X	NO CARGO IN CMV TANK VEH
E	NO MAN TRANS EQUIPPED CMV	X1	FULL HAND CONTROL
E1	AUTOMATIC TRANSMISSION	Y	SHOULDER HARNESS USE
F	OUTSIDE MIRROR	Z	NO FULL AIRBRAKE EQUIP CMV
F1	HEARING AID OR FULL VIEW MIRROR	Z1	WHEEL SPINNER
G	DAYLIGHT DRIVING ONLY	4	TELESCOPIC LENS 4
H	LIMITED TO EMPLOYMENT	5	NO LIMIT ACCESS RDS
I	LIMITED USE AUTO MAX 40 MPH		
I1	LIMITD USE MCV MAX 40 MPH		
I2	LIMITD USE MCV MAX 30 MPH		
I3	LIMITD USE MCV MAX 20 MPH		
I4	THREE WHEEL MCV		
K	CDL INTRASTATE ONLY		
L	NO AIRBRAKE EQUIPPED CMV		
M	NO CLASS A PASSENGER VEH		
N	NO CLASS A/B PASSENGER VEH		
N1	NO VEHICLE DESIGNED FOR 15		
N2	OR MORE ADULT PASSENGERS		
N3	NO VEHICLE DESIGNED FOR 8		
O	OR MORE ADULT PASSENGERS		
O1	NO TRACTOR/TRAILER CMV/		
	TRUCK NOT OVER 26,000 GVWR		

## Endorsements

F	FARM CLASS A VEHICLES
G	FARM CLASS B VEHICLES
H	HAZARDOUS MATERIALS
M	METAL COIL
N	TANK VEHICLES
P	PASSENGER TRANSPORT
R	RV GVWR OVER 26,000 LBS.
S	SCHOOL BUS
T	DOUBLES/TRIPLES
W	TOW TRUCK
X	TANK/HAZMAT

(FOLD ALONG THIS LINE)

## NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES

Visit us at [dmv.ny.gov](http://dmv.ny.gov)CUSTOMER RECEIPT  
INTERIM PERMIT

Class D  
DOB XX/XX/XX F  
17.50 WEB CDA  
JAN 29 2019 WEB

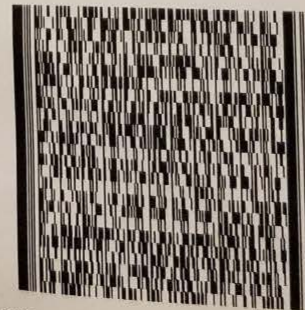
This Temporary Document is not Valid  
for Identification Purposes

MV-1 (8/16) PART 4

NYS Department of Motor Vehicles  
THIS TEMPORARY DOCUMENT IS NOT VALID  
FOR IDENTIFICATION PURPOSES  
INTERIM PERMIT

I2946881 JAN 29 2019  
WEB Fee 17.50 WEB CDA

Original Issuance Date 09/11/17



235022

NYS Department of Motor Vehicles  
INTERIM PERMIT

Class D Restrictions B  
Endorsements NONE  
Status terminates on 01/22/21  
Probation Date NONE  
This document expires on 03/30/19

BETHPAGE NY 11714  
Sex F Eyes BR Ht. 5 0  
Birthdate XX/XX/XX  
Additional Restrictions NONE

Sign Here X  
Keep this document until you receive your Photo Document  
MV-1 (8/16) PART 2

(FOLD ALONG THIS LINE)

# **EXHIBIT 2**

**From:** "John Woodruff" <jwoodruff@sis.us>

**To:** "john.reinhold@nypd.org" <john.reinhold@nypd.org>

**Subject:** Apple Theft- Ousmane Bah

**Date:** Thu, 15 Nov 2018 13:55:43 -0500

**Importance:** Normal

**Attachments:** PERP\_BAG.jpg; PERP.jpg; PERP\_PHONE.jpg; PERP\_POCKETS.jpg

Hi John,

The below individual is known to us as Ousmane Bah. He has been hitting Apple stores for quite a few months now and doesn't seem to be stopping. I am not sure if you have a contact with our Apple LP district managers but I recently heard from an Apple manager at Staten Island that you were trying to ID him. I can give u whatever I have on his cases and losses we have experienced if you have not already gotten it. Looks like he hits from Connecticut to south Jersey. Feel free to reach out to me anytime.

856-520-3154

----- Forwarded message -----

From: <[info@metrorca.org](mailto:info@metrorca.org)>

Date: Thu, Nov 8, 2018 at 5:56 PM

Subject: METRORCA Alert Staten Island, Region - MetroNYCLongIsland, Theft, Greater Than \$1000, Concealment

To: <[jwoodruff@sis.us](mailto:jwoodruff@sis.us)>

## Incident

### Store Type(s) Affected\*:

Please select at least one.

☒ Specialty Store

### Type of Offense(s):

☒ Theft

### Methods Used:

☒ Concealment

### Total Case Value:

☒ > \$1000

### Repeat Offender(s):

☒ Yes

### Individuals Involved: \*

<u>Race</u>	<u>Age</u>	<u>Weight</u>	<u>Height</u>
<input checked="" type="checkbox"/> African American	<input checked="" type="checkbox"/> 18-25	<input checked="" type="checkbox"/> 100-120	<input checked="" type="checkbox"/> 5'7-5'11

### Description of the incident. \*

The Staten Island Grand Larceny Squad is endeavoring to identify the photographed male

perpetrator above. The above individual did remove store merchandise from Apple Store on October 22, 2018 and October 24, 2018. Apple Store is located in the Staten Island Mall, [2655 Richmond Avenue](#) in the confines of the 121 precinct. Anyone with information regarding this case, please contact the undersigned at 718-876-7662.

**Description of the people involved.**

Male Black observed to be wearing a black "Atlanta Falcons" jacket.

**Description of the vehicle(s) involved.**

**Date / Time of the Incident:**

Date: 10/22/2018 Approximate Time: 3 pm

**Incident Location:**

[2655 RICHMOND AVENUE](#)

**City:**

Staten Island

**State:**

NY

**County:** NY-Richmond **Zip Code:**  
MetroNYC Long Island 10314

**Suspect's Name:**

**Attach any photos / files:**

**Police Report # / Internal Case:**

**Officer or Person that took the report:**

**Submitter's Full Name:**

john reinhold

**Company / Organization Name:**

nypd

**Best Contact Number:**

718-876-7662

**Email Address:**

[john.reinhold@nypd.org](mailto:john.reinhold@nypd.org)

To remove yourself from this mailing list, click [here](#)

--

John Woodruff  
Loss Prevention Specialist  
Security Industry Specialists, Inc. (SIS) -----Los  
Angeles \* New York \* San Jose \* Seattle \* Brazil800.201.3742 Office856.520.3154 Mobile

# **EXHIBIT 3**



**MORRISON | FOERSTER**

250 WEST 55TH STREET  
NEW YORK, NY 10019-9601  
  
TELEPHONE: 212.468.8000  
FACSIMILE: 212.468.7900  
  
WWW.MOFO.COM

MORRISON & FOERSTER LLP  
BEIJING, BERLIN, BOSTON,  
BRUSSELS, DENVER, HONG KONG,  
LONDON, LOS ANGELES, NEW YORK,  
NORTHERN VIRGINIA, PALO ALTO,  
SAN DIEGO, SAN FRANCISCO, SHANGHAI  
SINGAPORE, TOKYO, WASHINGTON, D.C.

October 12, 2020

Writer's Direct Contact  
+1 (212) 468.8049  
CCohen@mofo.com

**Via E-mail**

Daniel Malis, Esq.  
Law Offices of Daniel Malis, PC  
30 Second Street  
Cambridge, Massachusetts 02141-1734

Subhan Tariq, Esq.  
34-18 Northern Boulevard  
Suite 2-25  
Long Island City, New York 11101

Re: *Bah v. Apple Inc., et al.*, No. 1:19-cv-03539 (PKC) – Apple's Fourth Production of Documents Bearing Bates Ranges APL-BAH\_00000464 – 550

Counsel:

On behalf of Apple Inc. ("Apple"), we are sending you today, via file transfer, the following documents that the Court ordered for production in redacted form at the September 21, 2020 discovery conference:

- A loss prevention policy for Apple retail stores that references training of store employees on shoplifting incidents (bearing Bates numbers APL-BAH\_00000464 – 84).
- The Services Agreement between Apple and Security Industry Specialists, Inc. ("SIS") and attachments (bearing Bates numbers APL-BAH\_00000485 – 550).

These documents are being produced pursuant to the terms of the Stipulated Protective Order entered into by the parties on April 29, 2020, (ECF No. 62), and ordered by the Court on April 30, 2020, (ECF No. 65).

Next, we have confirmed that Apple does not have any written policy regarding the retention of retail store surveillance video. We also have confirmed that Apple does not have surveillance video of its retail store in Westchester, New York from November 14, 2018.

MORRISON | FOERSTER

Daniel Malis, Esq.  
Subhan Tariq, Esq.  
October 12, 2020  
Page Two

With respect to the remaining issue raised in your October 5, 2020 letter, contrary to your assertion, the Court did not order Apple to supplement “related metadata and ESI information” for any Be-On-The-Lookouts (“BOLOs”) that Apple or SIS produced. Rather, the Court ordered you to identify and provide to us (and SIS’s counsel) a list of BOLOs that you claim reflect undisclosed recipients so we can determine if there is any additional metadata or ESI information. As you have not yet provided any such list and all of the BOLOs referenced in your letter and attachments include, on their face, a list of email recipients we have nothing further to provide to you at this time.

Finally, we have read the letter your ESI consultant, alvEdiscovery, LLP, sent to you on October 5, 2020 (and which you then sent to us that same day). That letter does not identify any purported violation of a specific provision of the Stipulation on Electronic Discovery that the parties entered into on May 11, 2020 and that the Court ordered on May 12, 2020, (ECF No. 69, the “ESI Protocol”). Apple fully complied with the ESI Protocol, but we are available to confer in order to better understand any purported issues.

We also look forward to receiving your production of additional communications between Messrs. Bah and Barrie in accordance with the Court’s Order and our agreement to produce documents today.

Very truly yours,



Carrie H. Cohen

cc: David L. Metzger, Esq. (via e-mail)  
John Schemitsch, Esq. (via e-mail)

October 30, 2020

*Via e-mail:* [subhan@tariqlaw.com](mailto:subhan@tariqlaw.com)

Subhan Tariq, Esq.

*Via e-mail:* [Daniel.malis@malislaw.com](mailto:Daniel.malis@malislaw.com)

Daniel Malis, Esq.

**Re: Ousmane Bah v. Apple Inc. and Security Industry Specialists**  
**Our Client: Security Industry Specialists (“SIS”)**  
**Docket No.: 19 cv 3539**  
**LJAA File No.: 0270-1037-NY00**

Mr. Tariq/Mr. Malis:

The attached will serve as our Second Supplemental Document Response, in response to your October 28, 2020 email inquiry and the “meet and confer” of October 22, 2020.

As to the issue of video retention policy, as was indicated in our initial written response to Document Requests, the video for the subject incidents is not the property of or maintained by SIS and as such SIS does not have any video retention policy applicable to those incidents.

As I advised you in the meet and confer, SIS does not maintain any “Post Orders” for the subject stores. SIS does maintain a printed document version copy of the general training manual previously disclosed.

As I advised you in the meet and confer, the monthly security updates are a spread sheet that for each store, for each month, simply state the number of incidents, the dollar figure of recovery, the incidents year to date and the dollar figure of recovery year to date. SIS therefore objects to the production of this document as not relevant and not proportional to the needs of the case.

By separate e-mail you will receive a link for the BOLO metadata subject to the ESI protocol. This metadata includes the BOLOs for the following stores/incidents:

<b>Date</b>	<b>Store</b>	<b>Bates Nos.</b>
5/5/18	Menlo Park, NJ	000610-000613
5/5/18	Short Hills, NJ	000614-000618
5/14/18	King of Prussia, PA	000619-000622

**Ousmane Bah v. Apple Inc. and Security Industry Specialists**

**October 30, 2020**

**Page 2**

9/14/18	Short Hills, NJ	000623-000627 000638-000640
9/18/18	Freehold, NJ	000628-000632 000641-000643
9/18/18	Cherry Hill, NJ	000633-000637
10/17/18	Rockaway, NJ	000644-000647
10/24/18	Menlo Park, NJ	000648-000651
10/26/18 <sup>1</sup>	Lawrence Township, NJ	000652-000655
2/18/19	Rockaway, NJ	000656-000657

Please note that all documents have been marked “Confidential”.

Thank you.

Very truly yours,

*David Metzger*

David L. Metzger

[dlmetzger@lewisjohs.com](mailto:dlmetzger@lewisjohs.com)

*New York City Office*

cc:

[kviggianni@mofo.com](mailto:kviggianni@mofo.com)

[ccohen@mofo.com](mailto:ccohen@mofo.com)

[jschemit@law.nyc.gov](mailto:jschemit@law.nyc.gov)

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<sup>1</sup> Incident Report (Bates 152-158) is dated 10/29/18 for the theft indicated to have occurred on 10/26/18. The BOLO, sent 11/7/18 mistakenly indicates 11/29/18 (Bates stamp as above and Bates No. 413-414)



# EXHIBIT 4

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

=====  
OUSMANE BAH,

Plaintiff,

-against-

APPLE INC. and SECURITY INDUSTRY  
SPECIALISTS, INC.

Defendant.  
=====

X

19 Civ. 3539 (PKC)

DECLARATION OF  
TOM STEVENS

X

DECLARATION OF TOM STEVENS IN SUPPORT OF MOTION TO DISMISS PURSUANT  
TO RULE 12(b)(2),(6)

I, Tom Stevens, pursuant to 28 U.S.C. Sec.1746, under the penalties of perjury, declare  
that the following is true and correct.

1. I am the Vice President of Retail Operations for Security Industry Specialists, Inc.  
("SIS") and I held this same position in 2018.

2. SIS is a California Corporation with its corporate headquarters and principal place of  
business located, currently and in 2018, at 6071 Bristol Parkway, Culver City, CA 90230.

3. SIS, currently and in 2018, provides "loss prevention" services to Apple retail stores in  
multiple states. "Loss prevention" is a specifically contracted security service wherein SIS  
employees are assigned to a retail store to detect shoplifters, make apprehensions and, if  
necessary, contact local law enforcement regarding the theft.

4. SIS, currently and in 2018, leases office space in New York at 601 W.26<sup>th</sup> Street, New  
York, NY. SIS currently and in 2018 provides security services to several (non-Apple) retailers  
in New York City. However, neither currently, nor in 2018 did SIS provide "loss prevention"  
services to any retailers in the City or State of New York.


5. Neither currently, nor in 2018, is/was SIS the contracted security guard company for any Apple retail store in New York City. SIS does not perform “loss prevention” services for any Apple retail store in New York State.

6. I have reviewed the June 26, 2019 correspondence from SIS’s attorney, David Metzger, listing the Apple store locations for which SIS is aware of a report to law enforcement for an individual previously identified to SIS by law enforcement as Ousmane Bah. That is a true and accurate list. SIS did not identify Ousmane Bah to law enforcement in New York State and did not file any report or complaint against him with law enforcement in New York State.

7. SIS did not disseminate the identity or image of the individual previously identified as Ousmane Bah to any Apple store, or to any security company assigned to any Apple store, in New York City.

Dated and Executed:

Edison, New Jersey  
July 30, 2019

  
TOM STEVENS